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SUPREME COURT, U.S.
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No. 332

Supreme Court of the United States

October Term, 1959

H. GERRELL MURPHY, *Petitioner*

v.

WASHINGTON AMERICAN LEAGUE BASE BALL CLUB, INC., CALVIN R. GRIFFITH, THELMA GRIFFITH HAYNES, JOSEPH W. HAYNES and EUGENE V. YOUNG, *Respondents*.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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Supreme Court of the United States

OCTOBER TERM, 1959

No.

H. GABRIEL MURPHY, *Petitioner*

v.

WASHINGTON AMERICAN LEAGUE BASE BALL CLUB, INC., CALVIN R. GRIFFITH, THELMA GRIFFITH HAYNES, JOSEPH W. HAYNES and EUGENE V. YOUNG, *Respondents.*

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Petitioner prays that a writ of certiorari issue to review the judgment of the Court of Appeals for the District of Columbia Circuit in the above-entitled case.

OPINIONS BELOW

The opinion of the District Court has been reported at 167 F. Supp. 215 and is printed at page 26-A of the Joint Appendix* (hereinafter referred to as Joint App.). The opinion of the Court of Appeals has not yet been reported. It appears at Appendix A hereto, page 1a, *infra.*

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* Nine copies of the Joint Appendix printed for use in the Court of Appeals have been filed with the Clerk of this Court pursuant to Rule 21(4).

JURISDICTION

The judgment of the Court of Appeals was entered on May 26, 1959. Appendix B hereto, page 3a, *infra*. The jurisdiction of this Court is invoked under 28 U.S.C. Section 1254(1).

QUESTION PRESENTED

Where a corporation has reincorporated under and thus elected to be governed by the provisions of the District of Columbia Business Corporation Act of 1954 to the same extent as if it had been incorporated under the Act, may the Court of Appeals relieve it of the requirement, imposed by Congress, that corporations organized under the Act conduct their principal business within the District of Columbia?

STATUTES INVOLVED

Section 3 of the District of Columbia Business Corporation Act of 1954, 68 Stat. 180, D.C. Code § 29-903,* provides:

> Corporations for profit may be organized under this Act for any lawful purpose or purposes, except for the purpose of banking or insurance or the acceptance and execution of trusts, the operation of railroads, or building and loan associations: *Provided*, That nothing contained in this Act shall be construed to relieve any public-utility corporation incorporated or reincorporated under the provisions of this Act from complying with all applicable provisions of the laws of the District of Columbia relating to such corporations: *Provided further*, That no corporation may be organized under this Act unless the place where it con-

* All citations to the District of Columbia Code herein are to the 1951 Edition, 1959 Supplement.

ducts its principal business is located within the District of Columbia.

Section 142 of the District of Columbia Business Corporation Act of 1954, 68 Stat. 237, amended 71 Stat. 575, D.C. Code § 29-952a, provides:

> Upon the issuance under section 141 of this Act of a certificate of reincorporation or of incorporation, as the case may be, by the Commissioners the existence of the corporation shall be continued under this Act, and such certificate shall be conclusive evidence that all conditions precedent required to be performed under section 141 of this Act have been complied with and that the corporation has been reincorporated or incorporated under this Act, as the case may be, except as against the District of Columbia in a proceeding to cancel or revoke the certificate of reincorporation or of incorporation; and the corporation shall be entitled to and be possessed of all the privileges, franchises, and powers and subject to all the provisions of this Act as fully and to the same extent as if such corporation had been originally incorporated under this Act; and all privileges, franchises, and powers theretofore belonging to said corporation and all property, real, personal, and mixed, and all debts due on whatever account, and all choses in action, and all and every other interest of or belonging to or due such corporation shall be and the same are hereby ratified, approved, and confirmed and assured to such corporation with like effect and to all intents and purposes as if the same had been originally acquired through incorporation under this Act: *Provided, however*, That any corporation thus reincorporating or incorporating under the provisions of this Act shall be subject to all the contracts, debts, claims, duties, liabilities, and obligations of the corporations thus reincorporated or incorpo-

rated as if such reincorporation or incorporation had not taken place and neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such reincorporation or incorporation. Such reincorporated or incorporated corporation shall not be subject to the payment of the initial license tax provided by this Act.

STATEMENT OF THE CASE

Respondent corporation was originally incorporated in the District of Columbia in 1903 under a charter providing that its operations were to be carried on in the City of Washington, District of Columbia (Joint App. 12-A).* With the approval of its shareholders, it elected on July 16, 1956 "to surrender its existing charter and to be reincorporated under and subject to the provisions of the District of Columbia Business Corporation Act" of 1954 (Joint App. 14-A, 16-A). The principal business of respondent corporation is, and always has been, the operation of a major league baseball team in the District of Columbia under the franchise of The American League of Professional Baseball Clubs. (Joint App. 27-A).

Petitioner, the owner of more than one-third of the stock of respondent corporation, brought an action in the United States District Court for the District of Columbia for a declaratory judgment and injunction under Section 7(a) of the District of Columbia Business Corporation Act of 1954 (68 Stat. 182, D.C. Code § 29-905(a)) and 28 U.S.C. §§ 2201-2202 to block the threatened transfer of the respondent corporation's American League franchise from the District of Co-

*The other respondents are officers or directors of respondent corporation.

lumbia to Minneapolis, Minnesota or any other place outside the District of Columbia (Joint App. 2-A). Petitioner charged that the threatened transfer would, if consummated, require the corporation to conduct its principal business outside the District of Columbia in violation of Section 3 of the Business Corporation Act which provides in pertinent part:

> "That no corporation may be organized under this Act unless the place where it conducts its principal business is located within the District of Columbia."

The respondents moved to dismiss or, in the alternative, for summary judgment on the ground that the Act did not require the respondent corporation to conduct its principal business within the District of Columbia. (Joint App. 10-A). In an opinion filed November 5, 1958 (Joint App. 26-A), the District Court granted respondents' motion for summary judgment and by order dated November 10, 1958 (Joint App. 38-A), summary judgment was entered for respondents. The Court of Appeals for the District of Columbia Circuit affirmed the order of the District Court on the ground that "[t]here is no requirement that corporations in order to be permitted the privilege of reincorporation are to be subject to whatever stricture may be imposed by the proviso of Section 3 to be applied in future to corporations 'organized' under the 1954 Act."

In its brief *per curiam* opinion, the Court of Appeals ignored the specific direction of Congress that when a corporation elects to reincorporate under the Business Corporation Act, it is to be "subject to all the provisions" of the Act "as fully and to the same extent as

if such corporation had been originally incorporated under the Act, and in effect amended the Act to enable reincorporated corporations to avoid the place of principal business requirement which Congress deliberately imposed in order to localize the operation of the Act.

REASONS FOR GRANTING THE WRIT

The Court of Appeals has interpreted a basic District of Columbia law in a manner contrary to the explicit intention of Congress. The importance of the question and the manner in which the Court of Appeals dealt with it, which will create confusion in the administration of the Business Corporation Act, warrant review by this Court both in the exercise of its supervisory power over Federal court proceedings and in its special capacity with respect to fundamental questions of District of Columbia law.

The statutory provision here at issue requires that the place where District of Columbia corporations conduct their principal business be located within the District. It was deliberately imposed by Congress as the price of passage of a modern Business Corporation Act for the District in 1954. Prior to that date District corporations had operated under an archaic law which had been enacted in 1870 and last revised in 1901. As early as 1938, The Bar Association of the District of Columbia had drafted and presented to Congress a corporation law designed to provide adequately for the needs of local businesses which were forced to incorporate elsewhere. The new corporation law, however, was consistently blocked in Congress because of the opposition of members, particularly from Delaware, who felt that a modern corporation law in the District would be used by

many corporations whose business was not centered in the District. In essence the fear was that given a choice between equally satisfactory corporation codes, one enacted by the State of Delaware and the other by the Federal Government, most corporations would choose the latter. See Philipson, *The New District of Columbia Business Corporation Act*, 21 J.B.A.-D.C. 499, 588 (1954).

During the Eighty-third Congress, the original law, as drafted by the Bar Association with certain amendments recommended by the Corporation Counsel of the District of Columbia and by members of the House District Committee, finally passed the House on March 23, 1953. 99 Cong. Rec. 2234. As passed, it was an outstanding example of a completely modern business corporation law. In the closing session of the Eighty-third Congress, the bill was brought to the floor of the Senate where it appeared that it would not pass unless a compromise was reached between the supporters of the bill and the legislators who felt that the legislation would place the District in active competition for corporate revenue with certain states, particularly Delaware. Agreement was reached on adding a provision to Section 3 which confined the availability of the Act to corporations which conduct their principal business in the District of Columbia. This provision was explained by Senator Case of South Dakota, floor leader of the bill, as follows:

> "The first amendment provides that no corporation may be organized under this act unless the place where it conducts its principal business is located within the District of Columbia. Although this is a fairly restrictive provision—and one not found in the laws of any State

> that I know of—it still permits full local operation of this law. It will make possible the incorporation of companies which have their home offices and headquarters here and do a substantial portion of their business in the District. The amendment has been discussed with leaders of the bar association here and the Corporation Counsel of the District, and they are agreed that rather than get no modernization of their 50-year-old, unworkable corporation statute, they would not object to this restriction." 100 Cong. Rec. 7055. (Joint App. 24-A).

The new provision was inserted in Section 3 of the Act which passed both Houses and was signed by the President.

It was recognized that the place of principal business requirement was unique and somewhat restrictive. But Congress wanted to make sure that the District of Columbia did not become a competitor of states such as Delaware that are notoriously hospitable to fo business corporations and enjoy lucrative revenues from serving as a haven from restrictive corporation laws of other states. To avoid such competition, the District Act was limited to local operation only.

Congress, recognizing that the 1954 Act effected far-reaching changes in existing corporate law, provided that no corporation should be governed by the new law unless it made a formal election to be reincorporated under the new Act. Business Corporation Act § 141 (D.C. Code § 29-952). But once such an election has been made, Section 142 of the Act (D.C. Code § 29-952a) provides that the electing corporation

> ". . . shall be entitled to and be possessed of all the privileges, franchises, and powers and *subject*

> *to all the provisions of this chapter as fully and to the same extent as if such corporaiton had been originally incorporated under this chapter . . . .*" (Emphasis added).

A more explicit declaration that no distinction is to be made between corporations originally incorporated and those reincorporated could hardly be made.

It is clear from the law and the Articles of Reincorporation (Joint App. 14-A) that respondent corporation by electing to come under the new Act obtained the benefits and subjected itself to all the restrictive provisions of that Act. This accords with the intention of Congress in setting up the election, as shown in an earlier report of a predecessor bill:

> "This new law does not repeal any existing statutes, but applies to all new incorporations after it becomes effective. Existing corporations are not affected unless they file a certificate of reincorporation under this statute, which they may do by a simple process. *Thereafter they are governed by this statute.*" H.R. Rep. No. 1066, 81st Cong., 1st Sess. 4 (1949) (Emphasis added).

The Court of Appeals' effort to avoid the place of principal business requirement which Congress imposed upon District of Columbia corporations cannot be passed off as a rational resolution of ambiguous statutory language. The result which it achieved gives the District Business Corporation Act extensive extraterritorial effect and thus frustrates the basic congressional purpose—to confine the Act to local operation only.

The "strictures" imposed by Section 3 of the Act was recognized by the Court of Appeals but it sought

to avoid giving it effect in this case by creating a wholly new type of District of Columbia corporation, one that is subject to some but not all of the provisions of the Business Corporation Act.

In reaching its decision the Court of Appeals viewed the word "organized" in Section 3 as a term applying only to corporations originally incorporated under the Act.* In the first place, such a reading accords the place of principal business requirement a limited rather than a general application such as is clearly required by its legislative history. In context, the amendment added by the Senate unequivocally means "The only corporations that are to be permitted to use this Act are those that conduct their principal business within the District of Columbia. Whether they were originally incorporated, reincorporated, or subsequently incorporated is immaterial. The Act is to have local application only." Moreover, as used elsewhere in the Act the word "organized" does not have the limited meaning attributed to it by the Court of Appeals. For example, Business Corporation Act § 128 (D. C. Code § 29-939) provides that "any corporation organized under this Act" failing or refusing to file the annual report shall pay a penalty of $25. If the Court of Appeals' interpretation of the word "organized" is adopted, corporations reincorporated under the 1954 Act will be exempt from this penalty. In

* The Court of Appeals also completely ignored the provision in respondent corporation's charter under the 1901 Act requiring that its operations were to be carried on in the District of Columbia. (Joint App. 12-A). It is indeed anomalous to hold that by electing to come under the new Act which, as a matter of law, restricts a corporation's place of principal business to the District of Columbia, respondent corporation somehow became free of its charter restriction to the same effect.

Business Corporation Act § 9 (D.C. Code § 29-906a) the right to use a corporate name may be reserved by "any corporation organized under this Act proposing to change its name." If the Court of Appeals' interpretation of the word "organized" is adopted a reincorporated corporation will not have the power to reserve a corporate name.*

Similarly, the term "articles of incorporation" is also used with respect to both newly incorporated and reincorporated corporations even though the latter have only "articles of reincorporation". Business Corporation Act § 141 (D.C. Code § 29-952). In Business Corporation Act § 14 (D.C. Code § 29-908) the right of a corporation to issue shares is continually phrased with reference to its articles of incorporation. If the Court of Appeals' approach is adopted reincorporated corporations will have no power to issue perferred or special classes of stock subject to redemption or in classes, etc. Moreover, there would be no way for a reincorporated corporation to amend its articles as Business Corporation Act § 52 (D.C. Code § 29-921f) refers only to articles of incorporation.

It is thus completely inconsistent with the entire structure of the Business Corporation Act to hold, as the Court of Appeals has done, that the place of principal business requirement does not apply to the respondent corporation because Section 3 does not in so many words refer to a corporation "reincorporated" under the provisions of the Act.

* Subsection (a)(3) of § 29-906a does permit a corporation proposing to reincorporate under the new act to reserve the corporate name pending such action but would, under the view of the Court of Appeals, offer no procedure for reserving a name after reincorporation.

CONCLUSION

While it has been said that certiorari is not ordinarily granted in cases from the Court of Appeals affecting only the District of Columbia, *Del Vecchio* v. *Bowers*, 296 U.S. 280, 285, this Court has recognized that the important decisions which involve the basic laws of the District of Columbia warrant review. For example, in *District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100, certiorari was granted so that this Court could review the effect of the organic act of the District of Columbia on earlier acts. In the District of Columbia income tax field, this Court has granted certiorari to determine the basic question of domicile "because of the importance of the questions involved". *District of Columbia* v. *Murphy*, 314 U.S. 441, 449. Certiorari was also granted to determine the scope of review of decisions of the Board of Tax Appeals of the District of Columbia. *District of Columbia* v. *Pace*, 320 U.S. 698, 700.

A similar ground for certiorari exists in criminal cases.

> "Considerations as to the exercise of authority by this Court over the courts of the District of Columbia in the interpretation of local criminal statutes induced us to grant the writ in view of the issue presented." Fisher v. United States, 328 U.S. 463, 465.

The Business Corporation Act is an equally basic law of the District of Columbia which will be badly warped if the decision of the Court of Appeals is allowed to stand. The question involved is of broad importance to the conduct of business within the District, and the Court of Appeals has failed to observe

unusually explicit directions from the Congress. The result is error and confusion which jeopardizes the entire structure of the corporation law of the District of Columbia and which can be summarily rectified by this Court.

The petition for certiorari should be granted.

Respectfully submitted,

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Of Counsel

August 21, 1959

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14863

H. GABRIEL MURPHY, APPELLANT,

v.

WASHINGTON AMERICAN LEAGUE BASE BALL CLUB, INC., et al., APPELLEES.

Appeal from the United States District Court for the District of Columbia

---

Decided May 26, 1959

Mr. Daniel M. Gribbon, with whom *Messrs. Joel Barlow* and *John B. Jones, Jr.*, were on the brief, for appellant.

Mr. John E. Powell, with whom *Messrs. Arthur P. Drury, John M. Lynham, David C. Bastian* and *Henry H. Paige* were on the brief, for appellees.

Before EDGERTON, BAZELON and DANAHER, *Circuit Judges*.

PER CURIAM: Appellant had sought a declaratory judgment that the appellee corporation is prohibited from transferring its American League franchise to any city outside of the District of Columbia. Appellant further asked an injunction to restrain the appellee corporation, its officers, directors, employees and others from negotiating for any such transfer. Summary judgment was entered for the appellee.

Appellant here insists he is entitled to the claimed relief because of a proviso of D. C. CODE § 29-903 (1959 Supp.) which reads:

> "*Provided further*, That no corporation may be organized under this chapter unless the place where

it conducts its principal business is located within the District of Columbia."

The District Court order in pertinent part read:

> "1. That Sec. 3 of the District of Columbia Business Corporation Act, 68 Stat. 180, § 29-903 of the District of Columbia Code, does not require the defendant corporation, Washington American League Base Ball Club, Inc., to conduct its principal business at a place within the District of Columbia and therefore does not prohibit said corporation from moving its American League franchise to Minneapolis, Minnesota, or to any other city outside the District of Columbia."

It is clear that Congress spoke prospectively in § 903 of the District of Columbia Business Corporation Act of 1954, 68 STAT. 180, D. C. CODE § 29-902 *et seq.* (1959 Supp.) The appellee corporation, although reincorporated under the 1954 Act, is shown to have been "organized," not under the 1954 Act, but in 1905 under the Act of 1901, 31 STAT. 1284, D. C. CODE § 29-201 *et seq.* (1951). The 1901 Act imposed no restriction upon the place where the corporation might conduct its principal business. There is no requirement that corporations in order to be permitted the privilege of reincorporation are to be subject to whatever stricture may be imposed by the proviso of Section 3 to be applied in future to corporations "organized" under the 1954 Act. The District Court did not err in awarding summary judgment in favor of the appellees.

Affirmed.

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term, 1958

C. A. 2264-58

No. 14,863

H. GABRIEL MURPHY, APPELLANT,

v.

WASHINGTON AMERICAN LEAGUE BASE BALL CLUB, INC., et al., APPELLEES.

Appeal from the United States District Court for the District of Columbia

Before: EDGERTON, BAZELON and DANAHER, *Circuit Judges.*

JUDGMENT

THIS CAUSE came on to be heard on the record on appeal from the United States District Court for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF It is ordered and adjudged by this Court that the judgment of the District Court appealed from in this cause be, and it is hereby, affirmed.

It is further ORDERED by the Court that appellees herein recover from appellant their taxable costs on this appeal and have execution therefor.

Per Curiam.

Dated: May 26, 1959.

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Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

---

BRIEF OF RESPONDENTS IN OPPOSITION

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---

BRIEF OF RESPONDENTS IN OPPOSITION

COUNTERSTATEMENT OF QUESTION PRESENTED

Properly stated, the question presented is whether or not the provisions of the Code of Law for the District of Columbia relating to corporations prevent the Washington American League Base Ball Club from removing its principal place of business from the District of Columbia, the United States Court of Appeals for the District of Columbia Circuit and the District Court having unanimously held that the statute involved does not prevent such removal.

ARGUMENT

The question proposed by Petitioner is in no way similar to the questions which Petitioner presented to the Court of Appeals; it is no more than a statement of Petitioner's view of what the result should have been in the two courts below and does not present a question for review as is required by Rule 23(c) of the Rules of this Court.

The question which the District Court and the Court of Appeals had to decide was whether the Business Corporation Act of 1954 prevented Respondent from moving its principal place of business from the District of Columbia.

This is not a question that is proper for review by the Supreme Court of the United States. It is on the contrary a purely local question of a character that the Court has uniformly refused to review. *American Security and Trust Company* v. *District of Columbia*, 224 U.S. 491, 56 L.Ed. 856, 32 S.Ct. 553; *United Surety Co.* v. *American Fruit Co.*, 238 U.S. 140, 59 L.Ed. 1238, 35 S.Ct. 828; *Del Vecchio* v. *Bowers*, 296 U.S. 280, 80 L.Ed. 229, 56 S.Ct. 190; *Busby* v. *Electric Utilities Union*, 323 U.S. 72, 89 L.Ed. 78, 65 S.Ct. 142; *Fisher* v. *U. S.*, 328 U.S. 463, 476, 90 L.Ed. 1382, 66 S.Ct. 1318; *Griffin* v. *U. S.*, 336 U.S. 704, 715, 93 L.Ed. 993, 69 S.Ct. 814.

Respondents do not admit that the statute is ambiguous but the existence of an ambiguity is the most that can be claimed on behalf of Petitioner and this Court has already said that "where a local statute contains a conflict on its face as patent and as irreconcilable as this, where either choice seems equally supportable, • • •", it will not review the decision of the United States Court of Appeals for the District of Columbia Circuit. *District of Columbia* v. *Pace*, 320 U.S. 698, 702, 88 L.Ed. 408, 64 S.Ct. 406.

Petitioner's contentions have been thoroughly considered and unanimously rejected by four judges in the District of Columbia. The decisions in the District Court and in the Court of Appeals produced no critical reaction from any District of Columbia official; on the contrary, they were accepted by the Bar and the business community as being sound expositions of the Business Corporation Act and as most beneficial to the local community.

Furthermore, the decisions below have in effect been approved by the Congress itself by virtue of the fact that the Business Corporation Act of 1954 was recently amended by Public Law 86-106, 86th Congress, 1st Session, approved by the President July 23, 1959, nine months after the original decision below was made public. Although Public Law 86-106 made numerous changes in the Business Corporation Act of 1954, it made no change in Sec. 3 and left the opinions below in full force and effect. This action amounts to legislative approval of the decisions below. *Copper Queen Mining Co.* v. *Arizona Board*, 206 U.S. 474, 51 L.Ed. 1143, 27 S.Ct. 695; *McCaughn* v. *Hershey Chocolate Co.*, 283 U.S. 488, 492, 75 L.Ed. 1183, 51 S.Ct. 510; *U. S.* v. *Ryan*, 284 U.S. 167, 174, 76 L.Ed. 224, 52 S.Ct. 65; *Electric Battery Co.* v. *Shimadzu*, 307 U.S. 5, 14, 83 L.Ed. 1071, 59 S.Ct. 675; *Toolson* v. *New York Yankees*, 346 U.S. 356, 98 L.Ed. 64, 74 S.Ct. 78; *Bardwell* v. *Petty*, 52 App. D.C. 310, 286 Fed. 772; *Corning Glass Works* v. *Robertson*, 62 App. D.C. 130, 65 F.2d 476.

CONCLUSION

It is respectfully submitted that certiorari should be denied.

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

REPLY MEMORANDUM OF PETITIONER

---

1. Respondents cite *District of Columbia* v. *Pace*, 320 U.S. 698, 702 for the proposition that this Court will not review the decisions of the United States Court of Appeals for the District of Columbia Circuit "where a local statute contains a conflict on its face as patent and as irreconcilable as this, where either choice seems equally supportable. . . ." In that

case this Court did review the decision of the Court of Appeals and on the merits decided that it would accept the interpretation placed on the statute by the Court of Appeals. This is quite a different matter than declining to review the decision.

2. Respondents make much in their brief of the fact that the recent Public Law 86-106, 86th Cong., 1st Sess., approved July 23, 1959, "made no change in Sec. 3 and left the opinions below in full force and effect." In the first place, the failure of Congress to act on a matter while the case is still pending in the courts is hardly an indication of its approval of the decisions of the lower courts, particularly where there is no evidence that the decision was ever brought to the attention of Congress. Secondly, it is to be noted that in the argument before the District Court and the Court of Appeals, Respondents emphasized that nowhere in the Business Corporation Act were corporations required to report on their place of principal business. Section 12 of Public Law 86-106 adds to the Corporation Act a requirement that each corporation include in its annual report

> "the address, including street and number, if any, of its principal office in the District, if such office is other than its registered office;"

This would appear to be ample evidence that Congress still regards Section 3 as an important and continuing restriction on District of Columbia corporations.

CONCLUSION

For the reasons stated in the Petition, it is respectfully submitted that certiorari should be granted.

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